



PAN AM RAILWAYS

IRON HORSE PARK
NO. BILLERICA, MA 01862

RECEIVED
JUN 18 2012
MANAGEMENT
STB

LEGAL DEPARTMENT
(978) 663-1215

232 467

June 14, 2012

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

FILED
JUN 18 2012
SURFACE
TRANSPORTATION BOARD

Re: STB Docket No. AB-32 (Sub No. 105X) – Boston and Maine Corporation – Abandonment and Discontinuance of Service – Heywood Branch – Worcester County, MA – Verified Notice of Exemption

Dear Ms. Brown:

Enclosed for filing with the Board in the subject docket is an original and ten (10) copies of Boston and Maine Corporation's Verified Notice of Exemption for abandonment over the Heywood Branch. Also enclosed is a check totaling \$3,600.00 for the filing fees.

Should you have any questions in regard to this filing, please do not hesitate to contact the undersigned at (978) 663-1215. Thank you in advance for your assistance in this matter.

FEE RECEIVED
JUN 18 2012
SURFACE
TRANSPORTATION BOARD

Very truly yours,

Robert B. Burns
Legal Counsel
Boston and Maine Corporation

Office of
Public Records
JUN 18 2012

Encl.

232467

RECEIVED
JUN 18 2012
MANAGEMENT

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NOS.:

AB 32 (Sub No. 105X)

BOSTON AND MAINE CORPORATION
--ABANDONMENT AND DISCONTINUANCE OF SERVICE--
HEYWOOD BRANCH, WORCESTER COUNTY, MASSACHUSETTS

VERIFIED NOTICE OF EXEMPTION

FILED

JUN 18 2012

**SURFACE
TRANSPORTATION BOARD**

Office of the
JUN 18 2012
Part of
Public Record

Robert B. Burns, Esq.
Corporate Counsel
Iron Horse Park
North Billerica, MA 01862

Counsel for:

BOSTON AND MAINE CORPORATION

Dated: June 14, 2012

FEE RECEIVED
JUN 18 2012
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NOS.:

AB 32 (Sub No. 105X)

BOSTON AND MAINE CORPORATION
--ABANDONMENT --
HEYWOOD BRANCH, WORCESTER COUNTY, MASSACHUSETTS

VERIFIED NOTICE OF EXEMPTION

Boston and Maine Corporation ("B&M" or "Applicant") files this Verified Notice of Exemption pursuant to the Board's regulations at 49 C.F.R. §1152.50. This Notice of Exemption seeks to abandon a line of railroad known as the Heywood Branch in Gardner, MA extending from milepost 27.29 to milepost 27.43 (the "Line") in Worcester County, Massachusetts. No local rail traffic has moved over the Line during the past two years. Any overhead rail traffic can be rerouted over other rail lines. In accordance with the aforementioned regulations, applicants make the following responses:

RESPONSE TO 49 C.F.R. SECTION 1152.50(d)(2):

1. Proposed Consummation Date.

The proposed consummation date of this abandonment and discontinuance is on or about August 25, 2012.

2. Certification Required in Section 1152.50(b).

The required certification is set forth as **Exhibit B** to this Notice of Exemption.

3. Information required in Section 1152.22(a)(1-4),(7),(8) and (e)(4).

(a) General.

(1) Exact name of applicant(s).

Boston and Maine Corporation

- (2) Whether applicant is a common carrier by railroad subject to the Interstate Commerce Act.

B&M is a common carriers by railroad subject to the Interstate Commerce Act.

- (3) Relief sought.

B&M seeks to abandon its trackage rights over the line.

- (4) Detailed map of the line.

Map is attached hereto as **Exhibit A**

- (7) Name, title and address of representative of applicant to whom correspondence should be sent.

Robert B. Burns, Esq.
Corporate Counsel
Iron Horse Park
North Billerica, MA 01862

- (8) United States Postal Zip Codes that the line traverses.

Zip Code(s): 01440 (Gardner, MA)

- (e) Rural and community impact.

- (4) Statement of whether the properties proposed to be abandoned are suitable for use for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

Applicant is unsure about the suitability of the Line for public non-rail purposes. As of the effective date of this abandonment, Applicant intends on releasing any/all rights it holds to the

present owner of the real property which was sold in 1963.

4. The Level of Labor Protection

Applicants understand that, in exempting the proposed abandonment and discontinuance, the Board does not relieve the carrier of its statutory obligation to protect the interests of employees. See 49 C.F.R. § 1152.50(c). Accordingly, the Applicants anticipate that the Board will impose the conditions set forth in Oregon Short Line R. Co. –Abandonment- Goshen, 360 I.C.C. 91 (1979), for the benefit of employees who may be adversely affected by the proposed abandonment and discontinuance.

5. Certificate of Compliance with the Notice Requirements of Section 1152.50(d)(1).

The required certificate is set forth as **Exhibit C** to this Notice of Exemption.

6. Environmental Report and Historical Report.

The Environmental /Historical Report required by 49 C.F.R. 1105.7 and 1105.8 is attached as **Exhibit D** to this Notice of Exemption. Attached, as **Exhibit C**, is a certificate affirming B&M's compliance with 49 C.F.R. 1105.11, 1105.7 and 1105.8.

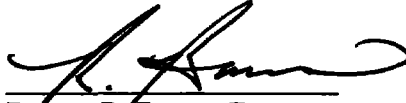
7. Newspaper Notice.

The Newspaper Notice required by 49 C.F.R. 1105.12 was published on June 9, 2012, in the Worcester Telegram and Gazette. An affidavit/certification from this newspaper is attached as **Exhibit C**.

8. Verification.

The required verification is set forth as **Exhibit E** to this Notice of Exemption.

Respectfully submitted,



Robert B. Burns, Esq.
Corporate Counsel
Boston and Maine Corporation
Iron Horse Park
North Billerica, MA 01862

Counsel for:
Boston and Maine Corporation

Dated: June 14, 2012

Attachments: Exhibit A -- Map
Exhibit B -- Certificate of Compliance with 49 C.F.R. §1152.50(b)
Exhibit C -- Certificate of Compliance with 49 C.F.R. §1152.50(d)(1) and
§1105.7, §1105.8 and §1105.11.
Exhibit D -- Environmental/Historical Report
Exhibit E -- Verification

EXHIBIT A

Heywood Industrial Track

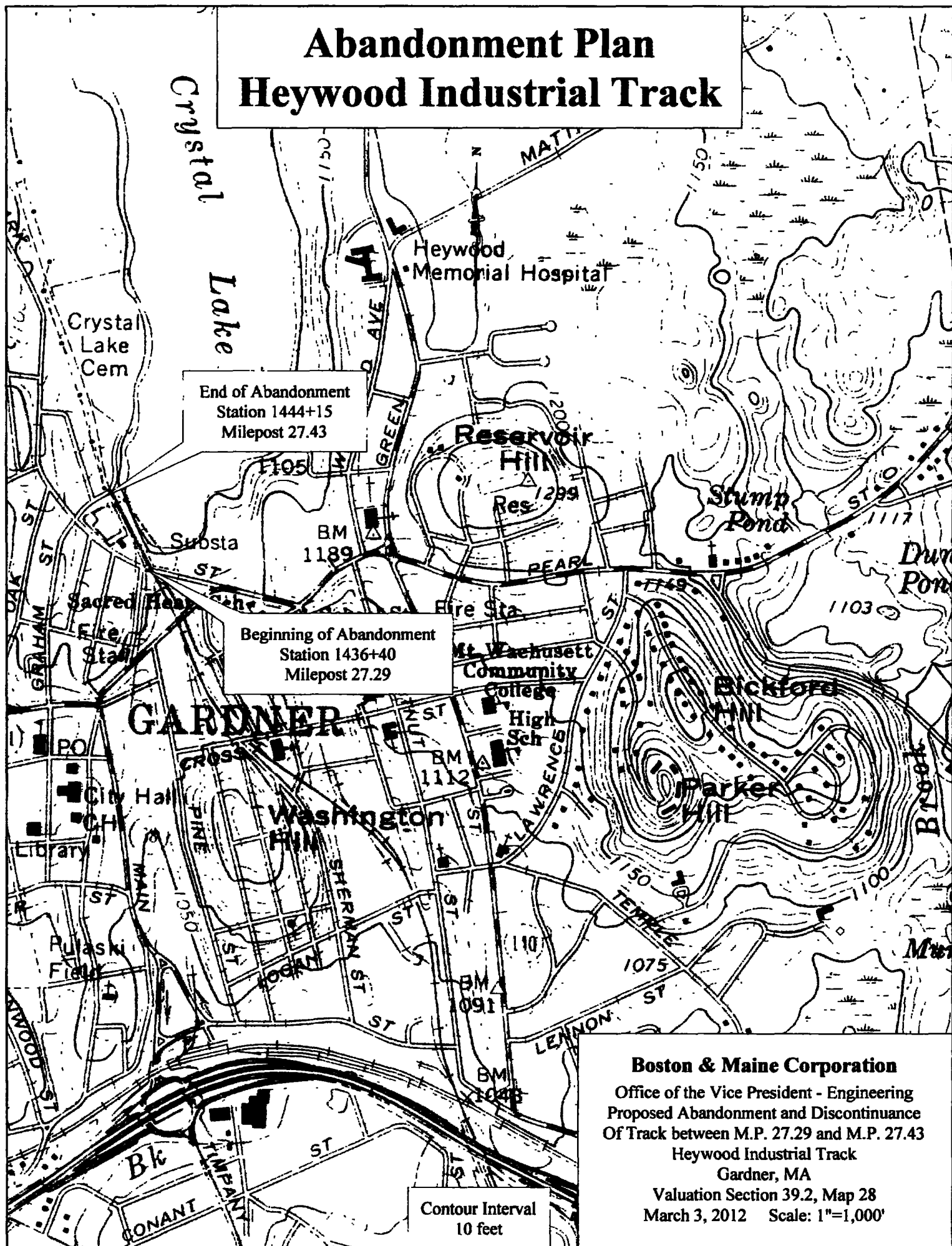
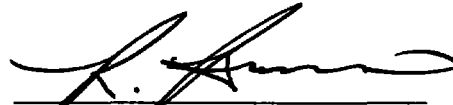


EXHIBIT B

EXHIBIT B

CERTIFICATION REQUIRED
IN 49 C.F.R. SECTION 1152.50(b)

In accordance with 49 C.F.R. Section 1152.50(b), I hereby certify that, with respect to the line, which is the subject of the Notice of Exemption in Docket No. AB 32 (Sub No. 105X): (1) no local traffic has moved over the line for at least two years prior to the date hereof; and (2) there is no overhead traffic on the line; and (3) no formal complaint filed by a user of rail service on the line (or state or local agency acting on behalf of such user) regarding cessation of service over the line is either pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period prior to the date hereof. The foregoing certification is made on behalf of the Boston & Maine Corporation by the undersigned after due and careful investigation of the matters herein certified and based on the best knowledge, information and belief of the undersigned.


Robert B. Burns, Esq.

Dated: June 14, 2012

EXHIBIT C

EXHIBIT C

**CERTIFICATE OF COMPLIANCE WITH
NOTICE REQUIREMENTS OF
49 C.F.R. §1152.50(d)(1)
AND
49 C.F.R. §1105.11
AND
49 C.F.R. §1105.7
AND
49 C.F.R. 1105.8**

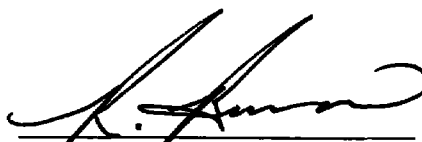
In accordance with 49 C.F.R. Section 1152.50 (d) (2), I hereby certify that:

(A) On May 21, 2012, at least 10 days prior to the date of filing of the Notice of Exemption to which this certificate is attached, I caused to be served by U.S. first class mail, postage pre-paid, the notice required by 49 C.F.R. Section 1152.50(d)(1), upon the following: (I) the Public Service Commission (or equivalent agency) in the State(s) where the line will be abandoned or the service of trackage rights discontinued; (ii) Department of Defense (Military Traffic Management Command Transportation Engineering Agency, Railroads for National Defense Program); (iii) National Park Service, Recreation Resources Division; and (iv) U.S. Dept. of Agriculture, Chief of Forest Service.

(B) On May 16, 2012, I complied with all the requirements of the provisions of 49 C.F.R. §1105.7 and §1105.8, and §1105.11 as set-forth therein, including but not limited to, by serving (at least 20 days prior to filing the Notice of Exemption) a copy of the Environmental/Historical Report upon the parties listed in §1105.7(b), and/or the appropriate State Historic Preservation Officer(s), as required by §1105.11, via First Class Mail, postage prepaid.

(C) In accordance with 49 C.F.R. § 1105.7(c), I hereby certify that with respect to the line, which is the subject of the Notice of Exemption filed herewith, and pursuant to 49 C.F.R. 1105.12, I have published a notice in a newspaper of general circulation in each county in which the line is located before the date of the Notice of Exemption was filed (see attached certification of the Worcester Telegram and Gazette).

Dated: June 14, 2012


Robert B. Burns

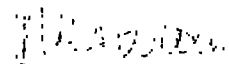
Affidavit

To Whom It May Concern:

This is to confirm that the Worcester Telegram & Gazette published a legal advertisement for: Intent to abandon rail line for Boston and Maine Corporation did run on June 9, 2012.

If you have any questions regarding this matter, please feel free to call Monday through Friday from 8:00 a.m. to 4:30 p.m. at (508)793-9393 choose option 3 or by faxing (508)793-9315.

Sincerely,


Theresa M. Hwalek, Legal Department
Worcester Telegram & Gazette
Sign/Date:

6/14/12

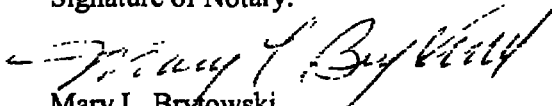
Acknowledgement

Commonwealth of Massachusetts

County of Worcester

On this 14th day of June, 2012, before me, the undersigned Notary Public, personally appeared Theresa Hwalek, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed above and acknowledged to me that she signed it voluntarily for its stated purpose(s).

Signature of Notary:


Mary L. Brytowski

My commission expires



Worcester Telegram & Gazette, 20 Franklin St., Worcester, MA 01608
(508)793-9393 Option 3

Status: Running
 Ad#: AP0015628
 Type: Standard
 Created: June 7, 2012 11:26:38 AM
 Created By: rburns@panam.com
 Approved: June 7, 2012 12:29:32 PM
 Approved By: garakelian@telegram.com
 Category: Legal Notices
 Classification: 100 - Legal Notices
 Package: Legal Notices 1 column - 1 Day
 Package Price: \$20.49
 Sub-Total: \$174.09
 Total: \$174.09
 QUID: 406CD7840ed28140CAqYL2B7A9D0

Line Ad Web Ad Billing Contract Order Notes

Start: Jun 09, 2012 End: Jun 09, 2012

Preview

NOTICE OF INTENT TO ABANDON RAIL LINE

Boston and Maine Corporation hereby gives notice that on or about June 15, 2012, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152.50(d)(1) —Exempt Abandonments - permitting the abandonment of a .14 mile line of railroad between railroad milepost 27.29 to milepost 27.43, which traverses through United States Postal Service ZIP Codes: 01440, (Gardner, MA) in Worcester County, Massachusetts. The proceeding will be docketed as No. AB - 32 (Sub No. 105X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0296.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs and Compliance at (866) 254-1792. Copies of any comments or requests for conditions should be served on the applicant's representative:

Robert B. Burns, Esq.
 Corporate Counsel
 Boston & Maine Corporation
 1700 Iron Horse Park
 North Billerica, MA 01862

EXHIBIT D

HEYWOOD BRANCH
ENVIRONMENTAL/HISTORICAL REPORT

Docket Nos. AB 32 (Sub. No. 105X)

I. ENVIRONMENTAL REPORT

The following information is provided in accordance with 49 C.F.R. § 1105.7 (e):

(1) Proposed Action and Alternatives

The Boston and Maine Corporation (the "Applicant") proposes to abandon over an approximate .14 mile portion of the so-called "Heywood Branch" line of railroad (the "Line") located in Gardner, Worcester County, Massachusetts. A map of the proposed abandonment and discontinuance has previously been provided to all parties receiving this report, and is attached as **Exhibit A** hereto.

Due to the inability to generate traffic over the Line, there is no reasonable alternative to abandonment and discontinuance.

(2) Transportation System

There will be no substantial effect on existing regional or local transportation systems or patterns.

There is no passenger or freight traffic on the Line. Any traffic previously moving over the Line was rerouted well more than two years ago.

(3) **Land Use**¹

- (i) The Applicant believes that the proposed action is consistent with and in furtherance of local land use plans.
- (ii) The Applicant believes the proposed action will have no effect or adverse impact on any prime agricultural land.
- (iii) This action is outside the boundary of the Massachusetts coastal zone.
- (iv) Applicants are unsure whether the right-of-way is suitable for alternative public use under 49 U.S.C. 10906.

(4) **Energy**

- (i) The transportation of energy resources will not be effected by the proposed action.
- (ii) The proposed action will have no effect on the movement and/or recovery of recyclable commodities.
- (iii) The proposed action will increase overall energy efficiency in that it will allow Applicant to eliminate their potential responsibility for costly and energy-consuming maintenance operations for this unused portion of line.
- (iv) The proposed action will not cause a diversion from rail to motor carrier in excess of the threshold levels set forth at § 1105.7 (e)(4)(iv)(A) or (B).

(5) **Air**

The proposed action will not result in any of the increases set forth at § 1105.7

(e)(5).

¹ The Applicant attaches to this Environmental/Historical Report as an Appendix, all correspondence received from federal, state, and local authorities and agencies in response to the Applicant's request for comments regarding the proposed abandonment/discontinuance of service.

(6) **Noise**

The proposed action will not result in or exceed any of the thresholds set forth at § 1105.7 (e) (6).

(7) **Safety**

(i) The proposed action will have no adverse effect on public health and safety.

(ii) No hazardous materials will be diverted to highway transportation.

(iii) No known hazardous waste sites or spills exist on the Line.

(8) **Biological Resources**

(i) Applicant knows of no endangered or threatened species or critical habitats that will be affected by the proposed action. The Applicant previously requested comments from the New England Region, U.S. Fish and Wildlife Service in this regard. The Service has responded to Applicants with "... no federally-listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service as being known in the project area."

(ii) Applicant states that no national or state parks or forests will be affected by the proposed action.

(9) **Water**

(i) The Applicant contemplates no action inconsistent with federal, state and/or local water quality standards.

(ii) The Applicant does not believe the proposed action will require any permits under § 404 of the Clean Water Act. Salvage operations are not expected to be undertaken. There are no known swampy conditions located in the area of Mile Post 27.29 & Mile Post 27.43. There are no indications of environmental contamination. No

designated wetlands or 100-year flood plains will be affected by the proposed action.

(iii) It is not expected that permits under § 402 of the Clean Water Act will be required for the proposed action. It is not expected that any rail salvage operations will be undertaken.

(10) **Proposed Mitigation**

Whereas no adverse environmental impacts are expected to result from the proposed action, no mitigation will be needed or is planned.

(11) **Additional Information for Rail Constructions**

The proposed action is not a rail construction proposal, therefore this section does not apply.

II. HISTORIC REPORT

The following information is provided in accordance with 49 C.F.R. § 1105.8 (d):

(1) **Maps**

A map of the line is attached hereto as Exhibit A.

(2) **Description of Right-of-Way**

The portion of Line at issue is approximately .14 miles in length. The width of the right-of-way varies from 30+/- feet to 82.50+/- feet in width. The attached topographic map indicates the Line's topography.

(3) **Photographs of Railroad Structures**

The Applicant knows of no sites or structures on the Line that are 50 years or older or that are listed in the National Register of Historic Places. The Applicants have requested comments from the Massachusetts Historic Commission ("MHC") in regard to the anticipated effect of the proposed action on historical resources.

The MHC has responded by letter (attached) and has indicated that their Inventory

of Historic and Archaeological Assets of the Commonwealth identified no recorded historic properties in this project location. The MHC further recommended that the Applicant provide the project information to the City of Gardner Historical Commission ("GHC") for comment. The GHC has not provided any response to Applicants request for comments at this time. Additionally, the City of Gardner Department of Community Development & Planning has responded stating that the City knows of no adverse effect that the project would have and the City does not object thereto.

(4) **Construction Dates**

The Applicant knows of no sites or structures on the Line that are 50 years or older or that are listed in the National Register of Historic Places.

(5) **History of Operations**

No local or overhead traffic has moved over the Line for well over two years. The proposed abandonment will not effect carrier operations in the area.

(6) **Summary of Useful Documents**

The Applicant knows of no sites or structures on the Line that are 50 years or older or that are listed on the National Register of Historic Places.

(7) **Opinion as to Historical Significance**

The Applicant knows of no sites or structures on the Line that are 50 years or older or that are listed in the National Register of Historic Places. The Applicant has requested comments from the Massachusetts Historic Commission in regard to the anticipated effect of the proposed action on historical resources. The Historical Commission has responded by letter (attached) and has indicated that their Inventory of Historic and Archaeological Assets of the Commonwealth

identified no recorded historic properties in this project location. The MHC further recommended that the Applicant provide the project information to the City of Gardner Historical Commission ("GHC") for comment. The GHC has not provided any response to Applicants request for comments at this time.

Additionally, the City of Gardner Department of Community Development & Planning has responded stating that the City knows of no adverse effect that the project would have and the City does not object thereto. The Applicant is not aware of any culturally significant locations, archaeological sites or unique landforms located along the Line or that will be affected by the proposed action.

(8) **Description of Prior Subsurface Disturbance**

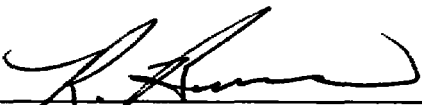
The Applicant knows of no prior subsurface ground disturbances or fill, or environmental conditions that might affect the archeological recovery of resources and the surrounding terrain.

III. CERTIFICATE OF SERVICE

This certifies that the Applicant has served copies of this Environmental/Historical Report upon and, prior to such service, consulted, or attempted to consult, with the following parties:

***** *SEE ATTACHED SERVICE LIST BELOW* *****

Dated this 14th day of JUNE, 2012.


Robert B. Burns, Esq.

Environmental/Historical Report Service List
Heywood Branch – AB – 32 (Sub. No. 105X)

Debra Jean, CDBG
Financial Assistant
Department of Housing and
Community Development
One Congress Street, 10th Floor
Boston, MA 02114

Regional Director
Commonwealth of Massachusetts
Department of Environmental Protection
Northeast Regional Office
205B Lowell Street
Wilmington, MA 01887

Susan Snow-Cotter
Commonwealth of Massachusetts
Coastal Zone Management Program
Executive Office of Environmental Affairs
251 Causeway Street, STE 800
Boston, MA 02114-2138

Natural Resources Conservation Service
USDA
451 West Street
Amherst, MA 01002

Mayor's Office
City of Gardner
95 Pleasant St. - Room 125
Gardner, MA 01440

State Historic Preservation Office
Director of Architectural Review
Massachusetts Historical Commission
220 Morrissey Blvd.
Boston, MA 02125

Charles LaHaye, Chairperson
Gardner Historical Commission
95 Pleasant Street
Gardner, MA 01440

Stephan Perkins
Office Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency
New England, Region 1
1 Congress Street, STE 1100
Boston, MA 02114-2023

Michael Bartlett
New England Field Office
U.S. Department of Interior
Fish & Wildlife Service
70 Commercial Street, STE 300
Concord, NH 03301

Larry Rosenberg
Chief, Public Affairs Office
New England District
U.S. Army Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Regional Director
Northeast Region
National Park Service
U.S. Customs House
200 Chestnut Street, 5th Floor
Philadelphia, PA 19106

District Conservationist
USDA - NRCS
319 Littleton Road, STE 205
Westford, MA 01886-4133

Simon Monroe, Geodetic Tech
Geodetic Services Division
National Geodetic Survey
NOAA, N/NGS-12
1315 East-West Highway
Silver Spring, MD 20910-3293

¹ *Journal of the American Medical Association*, 1990; 263: 1033-1037.

1974-1975



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

June 5, 2012

Catherine Glidden
Environmental Protection Specialist
Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

RE: Heywood Branch Railroad Abandonment, Gardner, MA.
STB Docket Nos.: AB 32 (Sub No. 105X) and AB 1098X and AB 355 (Sub 41X).
MHC #RC.52321.

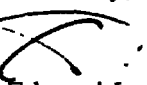
Dear Ms. Glidden:

The Massachusetts Historical Commission (MHC), office of the State Historic Preservation Officer, received additional information concerning the proposed undertakings referenced above. The information indicates that the Gardner Historical Commission did not comment on the project information provided to them.

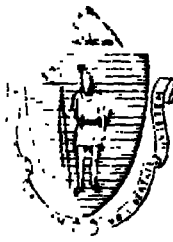
The MHC recommends that the Surface Transportation Board make a finding of "no historic properties affected" (36 CFR 800.4(d)(1)) for these federal undertakings.

These comments are offered to assist in compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (36 CFR 800).

Sincerely,


Edward L. Bell
Deputy State Historic Preservation Officer
Massachusetts Historical Commission

cc: Robert B. Burns, PanAm Railways and Boston & Maine Corporation



The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

April 3, 2012

Robert B. Burns
Corporate Counsel
PanAm Railways & PanAm Southern LLC
1700 Iron Horse Park
North Billerica MA 01862

RE: Heywood Branch Railroad Abandonment, Gardner, MA. **MHC #RC.52321.**
Docket Nos.: AB 32 (Sub No. 105X) and AB 1098X and AB 355 (Sub 41X).

Dear Mr. Burns:

Thank you for your inquiry regarding the two contiguous projects referenced above: Review of the MHC's Inventory of Historic and Archaeological Assets of the Commonwealth identified no recorded historic properties in the two project locations.


The MHC recommends that you provide the project information to the Gardner Historical Commission for comment. The contact is:

Charles LaHaye, Chairperson
Gardner Historical Commission
95 Pleasant Street
Gardner, MA 01440

A copy of any written comments should be provided to the Surface Transportation Board and to the MHC.

These comments are offered to assist in compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (36 CFR 800).

Sincerely,


Edward L. Bell
Technical Services Division
Massachusetts Historical Commission

xc:
Surface Transportation Board
Gardner Historical Commission



United States Department of the Interior



FISH AND WILDLIFE SERVICE

New England Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5087
<http://www.fws.gov/newengland>

June 5, 2012

Reference:	<u>Project</u>	<u>Location</u>
	Railroad abandonment	Gardner, MA
	AB 32 (Sub No. 105X)	

Mr. Robert Burns
Boston & Maine Corporation
1700 Iron Horse Park
North Billerica, MA 01862

Dear Mr. Burns:

This responds to your recent correspondence requesting information on the presence of federally listed and/or proposed endangered or threatened species in relation to the proposed activity referenced above.

Based on information currently available to us, no federally listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area. Preparation of a Biological Assessment or further consultation with us under section 7 of the Endangered Species Act is not required. No further Endangered Species Act coordination is necessary for a period of one year from the date of this letter, unless additional information on listed or proposed species becomes available.

To obtain updated lists of federally listed or proposed threatened or endangered species and critical habitats, it is not necessary to contact this office. Instead, please visit the Endangered Species Consultation page on the New England Field Office's website:

www.fws.gov/newengland/endangeredspec-consultation.htm

On the website, there is also a link to procedures that may allow you to conclude if habitat for a listed species is present in the project area. If no such habitat exists, then no federally listed species are present in the project area and there is no need to contact us for further consultation. If the above conclusion cannot be reached, further consultation with this office is advised. Information describing the nature and location of the proposed activity that should be provided to us for further informal consultation can be found at the above-referenced site.



Natural Resources Conservation Service
319 Littleton Road, Suite 205
Westford, MA 01886

978-692-1904 x3
fax 978-392-1305
www.ma.nrcs.usda.gov

April 17, 2012

Robert B. Burns, Esq., Corporate Counsel
Springfield Terminal Railway Company
Boston & Maine Corporation
1700 Iron Horse Park
North Billerica, MA 01862

RE: Abandonment of Haywood Branch, Gardner, MA
Docket Nos.: AB 32 (Sub No. 105X)

Dear Sir:

I am not aware of any adverse effect that the proposed abandonment and discontinuance of service of the above mentioned rail line will have on agricultural resources or businesses in the area.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn Zichelle Sullivan".

Kathryn Zichelle Sullivan
District Conservationist



United States Department of Agriculture

Natural Resources Conservation Service
451 West Street
Amherst, MA 01002

413-253-4350
fax 413-253-4375
www.ma.nrcs.usda.gov

4/13/2012

1700 Iron Horse Park
North Billerica, MA 01862

Re: RR Abandonment, Gardiner, MA
Docket #'s: AB 32 (Sub No. 105X), AB 1098X and AB 355 (Sub 41X)

Dear Mr. Burns,

I as far as I know, the abandonment of a railroad has less negative environmental impact than the operation thereof.

Regarding the impact on historical resources; this office lacks the expertise to comment.

Sincerely,

A handwritten signature in cursive script, appearing to read "Al Averill".

Al Averill
Assistant State Soil Scientist

Burns, Robert

From: Simon Monroe <simon.monroe@noaa.gov>
Sent: Tuesday, April 24, 2012 11:34 AM
To: Burns, Robert; Surface Transportation Board; Gilbert Mitchell; Simon Monroe
Subject: NGS Response, STB Docket AB-32 (SUB NO. 105X)

> Thank you for sharing your railroad abandonment environmental report
> for
>
> GARDNER, Worcester County, MASSACHUSETTS.
>
>
>
> Approximately 01 geodetic survey marks may be located in the area
> described.
> If marks will be disturbed by the abandonment, [THE RAILROAD] shall
> consult with the National Geodetic Survey (NGS) at least 90 days prior
> to beginning salvage activities that will disturb, or destroy any
> geodetic station
>
> marks described on the attached file. Additional advice is provided
> at <http://geodesy.noaa.gov/marks/railroads/>

|----|-----|-
|----|-----|-|-----|-----|-----|----|-----

|...|MY0851|1 2|88/ADJUSTED|N423447.29166|W0715940.99430|D...|GARDNER

Burns, Robert

From: Dorfman, David P CIV (US) <david.p.dorfman.civ@mail.mil>
Sent: Wednesday, May 30, 2012 11:40 AM
To: Burns, Robert
Subject: Address of the Railroads for National Defense Program (UNCLASSIFIED)
Signed By: david.dorfman1@us.army.mil

Classification: UNCLASSIFIED

Caveats: NONE

Dear Mr. Burns,

Thank you for clarifying proposed abandonments AB 32 (Sub No 105X) and AB 1098X. Neither affects national defense, so we will have no comments on either one.

We have moved into our permanent building at Scott Air Force Base.

The address of the Railroads for National Defense Program is now:

Military Surface Deployment and-Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225-5006

Yours truly,

David Dorfman, P.E.
Senior Engineer
Railroads for National Defense Program
SDDC Transportation Engineering Agency
1 Soldier Way, Building 1900W
Scott AFB, IL 62225-5006
Phone: 618-220-5741
email: david.p.dorfman.civ@mail.mil

Classification: UNCLASSIFIED

Caveats: NONE


EXHIBIT E

Subcommittee on
Environment and
Natural Resources

VERIFICATION

Commonwealth of Massachusetts)
)
Middlesex County)

Robert B. Burns, being duly sworn, states that he is an Attorney for the Boston & Maine Corporation; that he is authorized to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in Docket No. AB 32 (Sub No. 105X) on behalf of the Boston & Maine Corporation; that he has carefully examined all of the statements in the Notice of Exemption; that he has knowledge of the facts and matters relied upon in the Notice of Exemption; and that all representations set forth therein are true and correct to the best of his knowledge, information and belief.


Robert B. Burns

COMMONWEALTH OF MASSACHUSETTS

Subscribed and sworn to before me, a Notary Public in and for the Commonwealth of Massachusetts, Middlesex County, this 14TH day of June, 2012.


Notary Public

My Commission Expires: 6/22/2018



RENEE M MCDONOUGH
NOTARY PUBLIC
COMMONWEALTH OF MASSACHUSETTS
MY COMMISSION EXPIRES 06/22/2018